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Attorneys for Defendant  
FREEMAN EXPOSITIONS, INC.

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

BENNY JACKSON,

Plaintiff,

vs.

FREEMAN EXPOSITIONS, INC., a  
Foreign Company doing business in  
Nevada; DOES 1 through X, and ROE  
BUSINESS ENTITIES I through X,  
inclusive,

Defendants.

Case No.: 2:14-cv-01872-JAD-NJK

MOTION FOR EXCEPTION TO  
ATTENDANCE REQUIREMENTS FOR  
EARLY NEUTRAL EVALUATION SESSION

ENE DATE: MARCH 18, 2015

ENE TIME: 9:30 A.M.

MAGISTRATE JUDGE PEGGY A. LEEN

Defendant FREEMAN EXPOSITIONS, INC. (hereinafter "Defendant"), by and through its attorneys of record, hereby files this Motion requesting permission to excuse Defendant's insurance representative from participation in the Early Neutral Evaluation ("ENE") Session set for March 18, 2015.

The Order Scheduling ENE Session (Dkt. #10) requires a representative of the insurance carrier with authority to settle this matter up to the full amount of the claim to be present. Defendant requests an exception to this requirement because Defendant has a Five Hundred Thousand Dollar (\$500,000.00) self-insured retention on its insurance policy covering this matter. In light of the value of this claim, Defendant does not believe there is any reasonable good faith possibility that the indemnity will be triggered. Therefore, Defendant believes that it will be more efficient and

1 economical to excuse the insurance representative from attendance. In the alternative, Defendant  
2 respectfully requests that the insurance carrier representative be permitted to appear by telephone if  
3 necessary.

4 In consideration of the above, Defendant respectfully requests that the Court grant its request  
5 to excuse the attendance of an insurance representative.

6 Dated: March 3, 2015.

7 Respectfully submitted,

8 /s/ Rachel Silverstein, Esq.  
9 PATRICK H. HICKS, ESQ.  
10 RACHEL SILVERSTEIN, ESQ.  
11 LITTLER MENDELSON, P.C.  
12 Attorneys for Defendant  
13 FREEMAN EXPOSITIONS, INC.

14 **IT IS SO ORDERED.**

15 DATED: March 5, 2015

16   
17 THE HONORABLE PEGGY A. LEEN  
18 UNITED STATES MAGISTRATE JUDGE  
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**PROOF OF SERVICE**

I am a resident of the State of Nevada, over the age of eighteen years, and not a party to the within action. My business address is 3960 Howard Hughes Parkway, Suite 300, Las Vegas, Nevada 89169-5937. On March 3, 2015, I served the within document(s):

**MOTION FOR EXCEPTION TO ATTENDANCE  
REQUIREMENTS FOR EARLY NEUTRAL EVALUATION  
SESSION**

- ☒ by serving the following parties electronically through CM/ECF.
- ☐ by facsimile transmission at or about \_\_\_\_\_ on that date. The transmission was reported as complete and without error. A copy of the transmission report, properly issued by the transmitting machine, is attached. The names and facsimile numbers of the person(s) served are as set forth below.
- ☐ by placing a true copy of the document(s) listed above for collection and mailing following the firm's ordinary business practice in a sealed envelope with postage thereon fully prepaid for deposit in the United States mail at Las Vegas, Nevada addressed as set forth below.
- ☐ by personally delivering a copy of the document(s) listed above to the person(s) at the address(es) set forth below.

Law Office of Daniel Marks  
Daniel Marks, Esq.  
Teletha L. Zupan, Esq.  
610 South Ninth Street  
Las Vegas, NV 89101

Attorneys for Plaintiff

I am readily familiar with the firm's practice of collection and processing correspondence for mailing and for shipping via overnight delivery service. Under that practice it would be deposited with the U.S. Postal Service or if an overnight delivery service shipment, deposited in an overnight delivery service pick-up box or office on the same day with postage or fees thereon fully prepaid in the ordinary course of business. I declare under penalty of perjury that the foregoing is true and correct. Executed on March 3, 2015, at Las Vegas, Nevada.

/s/ Maribel Rodriguez  
Maribel Rodriguez

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